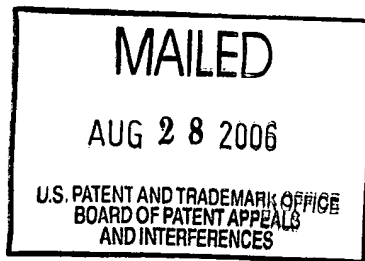


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES



Ex parte NEIL FREDERICK BRANDER
and
ANDREW JOHN ZELENKA

Application 08/976,159

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on August 21, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matters requiring attention prior to docketing is identified below:

An examination of the Image File Wrapper (IFW) reveals that according to the PALM database, an Order Returning Undocketed Appeal

was mailed on June 19, 2003. We are unable to locate a copy of this paper in the IFW.

Page 2 of this Order noted that the examiner listed the following rejections in the Examiner's Answer mailed January 31, 2003:

1. claims 1-9, 12-13, 21-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over DTC [Depository Trust Company] in view of Hawkins; and

2. claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over DTC in view of Lupien as applied to claim 14 above and further in view of Hawkins.

Pages 2 and 3 of this Order:

ORDERED that the application is returned to the Examiner for a determination regarding the rejection of claims 14-17 and 19-20, written notification to appellants regarding the action taken, and for such further action as may be appropriate.

While it is noted that an Examiner's Answer was mailed on March 13, 2006 in response to this Order, the examiner appears to have only discussed claims 14-17, 19 and 20 on pages 7-9 of the Answer and has not included these claims in a rejection. Correction is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

1) to locate a copy of the missing June 19, 2003 Order

Returning Undocketed Appeal and have a complete copy scanned into the IFW;

2) for a determination regarding the status of claims 14-17, 19 and 20;

3) for written notification to appellant regarding the above determination; and

4) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 

DALE M. SHAW

Deputy Chief Appeal Administrator
(571) 272-9797

DMS:psb

Kenyon & Kenyon LLP
One Broadway
New York, NY 10004